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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,239	10/11/2000	JOSHUA D. SPODEK	SG-2	7840
1473	7590	05/22/2003		
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105				EXAMINER
				FULLER, RODNEY EVAN
ART UNIT		PAPER NUMBER		
		2851		

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/689,239	SPODEK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rodney E Fuller	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_ .  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 11 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4, 5, 6</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings are required in this application because Figure 17-33 are informal (e.g., the reference numbers in Figures 17-33 are handwritten). Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the phrase "Apparatus is provided..." can be implied. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-10 and 16-25 are rejected under 35 U.S.C. 102(a) as being anticipated by

Lemken, et al. (DE 198 06 556 A1).

Regarding claim 1, Lemken discloses “a backboard (Fig. 1, ref.# 6, section 2, 2<sup>nd</sup> paragraph, line 2) having a backboard length along said trajectory (Fig. 1, ref.# 1, 2 ), still images (Fig. 1, ref.# 7) of each said series interspersed with still images of other said series (Fig. 1, ref.# 8) and mounted on a surface of said backboard, each still image having an actual image width and an image center (inherent features of image), image centers of successive images of a same series being separated by a frame-to frame distance (Fig. 1, ref.# d4); and a slitboard (Fig. 1, ref.# 3) positioned substantially parallel (section 2, 2<sup>nd</sup> paragraph, line 2)to said backboard facing said surface thereof and separated therefrom by a board-to-board distance (Fig. 1, ref.# d11, section 2, 4<sup>th</sup> paragraph, line 4-6), said slitboard being mounted at a viewing distance (Fig. 1, ref.# d1, d2) from said trajectory, said board-to-board distance and said viewing distance totaling a backboard distance, said slitboard having a slitboard length along (Fig. 1, ref.# d4) said trajectory, and having a plurality of slits (Fig. 1, ref# 5) substantially perpendicular to said slit board length, each said slit corresponding to a respective image of each series and having a slit width (Fig. 1, ref.# d5) measured along said slitboard length and slit center.”

Regarding claim 2, Lemken discloses "wherein each series (Fig. 1, ref.# 7, 8) is viewable from a respective viewing angle (Fig. 1, ref.# c) relative to a viewer moving substantially along said known trajectory."

Regarding claim 3, Lemken discloses "wherein at least one series is viewable from a respective viewing angle relative to a viewer moving in a first direction (Fig. 1, ref.# 1, arrow) along said known trajectory, and at least one other series is viewable from a respective viewing angle relative to a viewer moving substantially in a second direction (Fig. 1, ref.# 2, arrow) opposite said first direction along said known trajectory."

Regarding claim 4, Lemken discloses "wherein multiple series comprises two series of still images." (Fig. 1, ref.# 7, 8; section 2, 2<sup>nd</sup> paragraph, lines 6-7)

Regarding claim 5, Lemken discloses "wherein said two series are interspersed such that each still image of one series, except first and last still image of said one series, is mounted on said surface between two still images of the other of two said series." (Fig. 1, ref.# 7, 8; section 2, 2<sup>nd</sup> paragraph, lines 6-7)

Regarding claim 6, Lemken discloses "wherein an image of one series abuts an image of another series." (Fig. 1, ref.# 7, 8; section 2, 3<sup>rd</sup> paragraph, lines 1-6)

Regarding claim 7, Lemken discloses "wherein two adjacent images are separated by a distance." (Fig. 1, ref.# 7, 8; section 2, 2<sup>nd</sup> paragraph, lines 6-7)

Regarding claim 8, Lemken discloses "wherein images of a first series are arranged on a said surface in a forward sequence and image of a second series are arranged on said surface in a reverse sequence relative to said images of said first series." (Fig. 1, ref.# 1, 2, arrows) (Further, it is inherent that the second series is shown in a

reverse sequence relative to said images of the first series, since the images are viewed with viewers traveling in opposite directions.)

Regarding claims 9 and 10, Lemken discloses “a light source operative to illuminate said images.” (It is inherent that a light source of some kind must be used to illuminate the images in order for the images to be visible.)

Regarding claim 16, Lemken discloses “wherein said frame-to-frame distance is selected with regard to said known velocity to produce a desired frame rate for each series to be seen by a viewer, said frame rate being at least about 15 frames per second.” (section 1, 2<sup>nd</sup> paragraph, lines 4-5; section 2, 3<sup>rd</sup> paragraph, lines 4-6)

Regarding claim 17, Lemken discloses “wherein said known trajectory is a subway track (section 1, 10<sup>th</sup> paragraph (indents), line 3), said viewer being a passenger on a subway train traveling on said subway track.”

Regarding claim 18, Lemken discloses “wherein said known trajectory is a walkway, said viewer being a pedestrian on said sidewalk.” (section 1, 10<sup>th</sup> paragraph (indents), lines 3-4)

Regarding claims 19 and 20, Lemken discloses “wherein each of said slit centers (Fig. 1, ref.# 5) is aligned with a respective plurality of still images (Fig. 1, ref. # 7, 8) in which each image of said plurality belongs to a different series.”

Regarding claim 21, Lemken discloses “wherein said trajectory, said backboard, and said slitboard are curved.” (section 2, 3<sup>rd</sup> paragraph, lines 2-6; e.g., The walls 3 and 6 of Lemken may follow the curve a road.)

Regarding claims 22-24, Lemken discloses “wherein to project each of said image substantially without blurring, said slit width is selected to be at most about one-tenth of actual image width.” (Fig. 1, ref.# d5)

Regarding claim 25, Lemken discloses “wherein respective slit centers of adjacent slits are separated by said frame-to-frame distance.” (Fig. 1, ref.# d4)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemken, et al. (DE 198 06 556 A1) in view of Mitchell (US 3,653,753).

Regarding claims 11-13, Lemken discloses all the structure set forth in the claims except for a “plurality of baffles,” wherein “each said baffle extending substantially parallel to and between said slitboard and said backboard, each said baffle blocking at least one line of sight from said slitboard to said backboard.” However, the use of a “plurality of baffles” in an apparatus for displaying multiple series of still images is routine in the art as shown in the teaching of Mitchell (column 4, lines 41-46). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lemken by including a “plurality of baffles,” wherein “each said baffle extending substantially parallel to and between said slitboard and said backboard, each

said baffle blocking at least one line of sight from said slitboard to said backboard.” The ordinary artisan would have been motivated to modify Lemken in the manner described above for at least the purpose of preventing false sweeps, ghost images, or spurious light from impacting the image as described by Mitchell in column 4, lines 43-45.

8. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemken, et al. (DE 198 06 556 A1) in view of Fujimura (EP 0 393 243 A2).

Regarding claims 14 and 15, Lemken discloses all the structure set forth in the claims except for “an enclosure for preventing entry of foreign matter between said slitboard and said backboard,” and “wherein said slitboard and said backboard form portions of said enclosure.” However, the use of an enclosure in an apparatus for displaying multiple series of still images along a railway path is routine in the art as shown in the teaching of Fujimura (see Figures 1, 2, 5). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lemken by including “an enclosure for preventing entry of foreign matter between said slitboard and said backboard,” and “wherein said slitboard and said backboard form portions of said enclosure.” The ordinary artisan would have been motivated to modify Lemken in the manner described above for at least the purpose of preventing image from being degraded by dirt produced by the railway and thus to reduce maintenance time and cost.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Merrill (US 1,006,769) discloses an apparatus for displaying multiple series of still images, that includes a backboard with the images and a slitboard positioned parallel to the backboard.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Fuller whose telephone number is (703) 306-5641. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached on (703) 308-2847.

Rodney Fuller

Primary Examiner



May 19, 2003